

Royal Irish Constabulary and Dublin Metropolitan Police Bill.

ARRANGEMENT OF CLAUSES.

Clause.

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SCHEDULE.

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B I L L

TO

Amend the Laws relating to the Royal Irish Constabulary,
and the Police of the Police District of Dublin Me-
tropolis.

A.D. 1874.

WHEREAS it is expedient further to amend the laws relating
to the Royal Irish Constabulary and to the Police in the
Police District of Dublin Metropolis:

Be it therefore enacted by the Queen's most Excellent Majesty,
by and with the advice and consent of the Lords Spiritual and
Temporal, and Commons, in this present Parliament assembled,
and by the authority of the same, as follows:

Preliminary.

1. The following terms in this Act have the meanings herein-
after assigned to them; (that is to say,) Interpre-
tation of
terms.

"Lord Lieutenant" means the Lord Lieutenant or other chief
governor or governors of Ireland:

"Constabulary force" means the Royal Irish Constabulary:

"Members of the constabulary force" means inspector general,
deputy inspector general, assistant inspector general,
commandant of the dépôt, surgeon, veterinary surgeon, and
every county inspector, sub-inspector, barrack master of the
dépot, head constable, constable, acting constable, and sub-
constable of the constabulary force:

"Head and other constables" means every head constable,
constable, acting constable, and sub-constable of the con-
stabulary force:

The term "county" shall extend to and include county of a city,
county of a town, county of a town and city, city and county
and borough, in which there is a grand jury or town council
exercising the powers of a grand jury as to presentments:

[Bill 196.]

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Power to
Lord Lie-
tenant to
fix revised
salaries for
constabulary
force.

The term "grand jury" shall, as regards any borough the town council of which is authorised to make presentments for any of the purposes of this Act, be held to include such council: The term "treasurer of the county" includes any person or persons, in any county of a city or town, or county of a town and city, borough, town, or place, performing duties analogous to those of "the treasurer of the county" in counties; and in the application of this Act to the county of Dublin, it means the finance committee.

2. It shall be lawful for the Lord Lieutenant, notwithstanding the limitations in any Act contained, to fix and appoint such revised annual salaries as to him may from time to time seem proper, subject to the conditions herein-after specified, to be paid in such manner and subject to such regulations and provisions as he may direct, to the several persons herein-after mentioned; (that is to say.) 15

1. To the inspector-general, to the deputy inspector-general, to the three assistant inspectors-general, one being styled commandant of the dépôt, and to the barrack master, such annual salaries respectively as the Commissioners of Her Majesty's Treasury may approve: 20
2. To the surgeon of the force, an annual salary not exceeding *four hundred pounds* :
3. To the inspector of constabulary for the town of Belfast, an annual salary not exceeding *six hundred pounds* :
4. To each county inspector of the first class, an annual salary not exceeding *three hundred and fifty pounds* : 25
5. To each county inspector of the second class, an annual salary not exceeding *three hundred pounds* :
6. To each sub-inspector of the first class, an annual salary not exceeding *two hundred and twenty-five pounds* : 30
7. To each sub-inspector of the second class, an annual salary not exceeding *one hundred and sixty-five pounds* :
8. To the head constable major, an annual salary not exceeding *one hundred and four pounds* :
9. To each head constable of the first class, an annual salary not exceeding *ninety-one pounds* : 35
10. To twelve head constables of the first class, of long service or superior merit, but ineligible for further promotion, an addition to their respective salaries under this Act of *ten pounds* per annum each : 40

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11. To each head constable of the second class, an annual salary not exceeding *eighty-three pounds four shillings* :
12. To twelve head constables of the second class, of long service or superior merit, but ineligible for further promotion, an addition to their respective salaries under this Act of *ten pounds* per annum :
13. To each constable, an annual salary not exceeding *seventy-two pounds sixteen shillings* :
14. To sixty constables, of long service or superior merit, but ineligible for promotion, an addition to their respective salaries under this Act of *four pounds* per annum each :
15. To each acting constable, an annual salary not exceeding *sixty-seven pounds twelve shillings* :
16. To each sub-constable of twenty years service and upwards, an annual salary of *sixty-two pounds eight shillings* :
17. To each sub-constable of fourteen years and under twenty years service, an annual salary of *fifty-nine pounds sixteen shillings* :
18. To each sub-constable of eight years and under fourteen years service, an annual salary of *fifty-seven pounds four shillings* :
19. To each sub-constable of four years and under eight years service, an annual salary not exceeding *fifty-four pounds twelve shillings* :
20. To each sub-constable of six months and under four years service, an annual salary not exceeding *fifty-two pounds* :
21. To each sub-constable of less than six months service, a salary at a rate not exceeding *thirty-nine pounds* per annum :

Such salaries to take effect from and after the *first day of July one thousand eight hundred and seventy-four*, and to continue to be paid until the *first day of July one thousand eight hundred and seventy-five*, and to be in addition to the good service pay at present authorised, viz., to five constable inspectors, fifty pounds per annum each ; to six sub-inspectors of the first class, thirty pounds per annum each ; and to twenty-three sub-inspectors, whether of the second or third class, twelve pounds per annum each.

3. It shall be lawful for the Lord Lieutenant, under the conditions herein-after mentioned, to direct that any head or other constable appointed after the tenth day of August one thousand eight hundred and sixty-six may be superannuated, and receive a gratuity or yearly pension not exceeding the proportion of his

Super-
annuation.

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salary stated in the scale herein-after mentioned; and it shall be lawful for the Commissioners of Her Majesty's Treasury, or any two or more of them, upon the recommendation of the Lord Lieutenant, to direct that any officer of the constabulary force, that is to say, any inspector-general, deputy inspector-general, assistant 5 inspector-general, commandant of the dépôt, surgeon, veterinary surgeon, county inspector, barracks master of the dépôt, or sub-inspector appointed after the tenth day of August one thousand eight hundred and sixty-six, may be superannuated, and may receive a gratuity or yearly pension not exceeding the proportion 10 of his salary stated in the scale herein-after mentioned; that is to say,

1. A gratuity of one month's salary for each year's service when such service has exceeded five years and been less than fifteen years: 15
2. On completion of fifteen years service, an annual pension of *fifteen fiftieths* of the salary may be granted, and an increase of one fiftieth for each successive year up to thirty years' service completed:
3. After thirty years' service, or after the person to be super- 20 annuated has attained the age of sixty years, the pension to be equal to *thirty fiftieths* of the salary, or to a larger proportion in cases of extraordinary merit or good conduct; provided that the particulars constituting such merit or conduct shall be set forth in the authority granting the pension, and that 25 if the pension exceeds the amount which might have been granted for length of service only, it shall not be granted without the consent in writing of the Commissioners of Her Majesty's Treasury:
4. For injuries received at any time in the actual performance 30 of duty, a pension may be granted of an amount in proportion to the injury received, not exceeding the full salary; provided that the grounds of disability shall be fully set forth in the authority granting the pension, and that if the pension exceeds the amount which might have been 35 granted for length of service only, it shall not be granted without the consent in writing of the Commissioners of Her Majesty's Treasury.

Nothing herein contained shall entitle any member of the constabulary force absolutely to any superannuation allowance, nor 40 prevent him from being dismissed or discharged for misconduct or other sufficient cause without superannuation allowance; and

no surgeon hereafter appointed, and no veterinary surgeon who is not required by the terms of his appointment to give up private practice, shall be entitled to any pension or retiring gratuity under this Act.

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- 5 No such pension or gratuity shall be granted in any case except on the certificate of the surgeon of the force, or such other competent medical officer or officers as the Lord Lieutenant shall name for the purpose, that the person is incapable from infirmity of mind or body to discharge the duties of his situation and that such
10 infirmity is likely to be permanent, and the certificate of the Inspector-General (or in the case of the Inspector-General's superannuation, then on the certificate of the Chief Secretary to the Lord Lieutenant), that he has served with diligence and fidelity :
15 Provided that any member of the force who shall have served thirty years, or who has attained the age of sixty years or upwards, may upon his petition, be superannuated without such medical certificate.

- Save as by this Act expressly provided, the provisions of an Act passed in the session of Parliament held in the tenth and
20 eleventh years of Her present Majesty, chapter one hundred, intituled "An Act to regulate the Superannuation Allowances of the Constabulary Force in Ireland, and the Dublin Metropolitan Police," shall apply to the members of the constabulary force in Ireland appointed before the tenth day of August one thousand eight hundred
25 and sixty-six, as fully and effectually as if this Act had not passed :
Provided always, that any member of the constabulary force appointed as last aforesaid may be superannuated, if he so elect, according to the scale and on the conditions prescribed by this Act.

Saving rights.

- 30 All pensions and gratuities granted to members of the constabulary force after the passing of this Act shall be computed according to the manner prescribed for the computation of superannuation allowances by section twelve of the Act of the session of the fourth and fifth years of the reign of His late Majesty
35 William the Fourth, chapter twenty-four.

- In calculating any superannuation which shall be granted according to the scale and on the conditions prescribed by this Act to members of the constabulary force, whether appointed before
40 or after the tenth day of August one thousand eight hundred and sixty-six, the term salary shall include all allowances for lodging, house rent, and servant: Provided always, that the
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A.D. 1874. allowances in respect of lodging or house rent shall not exceed one sixth of the actual salary and other emoluments.

Forfeiture of pension for misconduct. 4. Such pension shall be granted only upon the condition that it becomes forfeited, and may be withdrawn by the Lord Lieutenant, in any of the following cases: 5

1. On conviction of the grantee for any indictable offence;
2. On his knowingly associating with suspected persons, thieves, or other offenders;
3. On his refusing to give information and assistance to the police whenever in his power for the detection and apprehension of criminals, and for the suppression of any disturbance of the public peace;
4. If it shall be discovered that the pension or retiring allowance of such person was granted upon statements or pretences which were to his knowledge false, or if he enter into or continue to carry on any business, occupation, or employment which shall be in the opinion of the Lord Lieutenant disgraceful or injurious to the public, or in which he shall make use of the fact of his former employment in the constabulary force in a manner which the Lord Lieutenant considers to be discreditable and improper, or if he shall take any step or pursue any line of conduct calculated in the opinion of the Lord Lieutenant to subvert the discipline of the force, or to injure it.

Rate of charge upon counties for extra constabulary.

5. Section 12 of an Act passed in the session of Parliament held in the twenty-ninth and thirtieth years of the reign of Her present Majesty, intituled "An Act to amend an Act to consolidate the laws relating to the Constabulary Force in Ireland," shall be and the same is hereby repealed, and in lieu thereof be it enacted, that where one moiety of the costs and expenses of any constabulary force is chargeable to any county, or any part or district of a county, or any county of a city or county of a town, or borough or town in Ireland, there shall be charged to each such county, or part or district thereof, or county of a city or county of a town, or any such borough or town, such sum or sums as may be due at the rates per annum following:

For each sub-inspector, one moiety of the sum of one hundred and eighty-four pounds and seven shillings;

For each head-constable, one moiety of the sum of eighty-six pounds and twelve shillings.

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Provided always, that it shall be lawful for the Lord Lieutenant, with the approval of the Commissioners of Her Majesty's Treasury, from time to time to fix and determine the further rates of charge to be paid by every such county, or part or district thereof, or
5 county of a city or county of a town, or borough or town, on an average of the entire force of constables, acting constables, and sub-constables in Ireland, regard being had to the rate of pay sanctioned by this Act, and to the cost of clothing, medical attendance, barrack accommodation, fuel, local travelling expenses, and
10 extra pay of such constables and other constables when absent from quarters.

And in all cases where, under the laws now in force, the whole of the costs and expenses of any constabulary force is chargeable to any county, or any part or district of a county, or any county of a
15 city or county of a town, or any borough or town, in Ireland, there shall be charged to each such county, or part or district of such county, or county of a city, county of a town, borough, or town, per annum, the full cost of such constabulary force, calculated in the manner last mentioned.

20 In all cases where an extra force is sent into any county or any part or district of a county, or any county of a city or county of a town, or any borough or town in Ireland, for the preservation of the peace upon any occasion, each such county, or part or district of such county, or county of a city, county of a town,
25 borough, or town, shall, in lieu of any other charges, in case the Lord Lieutenant shall so direct, be charged with the whole or any part of the extra pay and lodging expenses of such constabulary force during their absence from their accustomed stations, and their travelling expenses from and to such stations; and the amount of
30 such extra pay and travelling expenses shall be included in the certificate to be transmitted by the Inspector-General pursuant to the provisions of this Act, and shall be repaid in like manner as any other sum included in such certificate.

6. From and after the passing of this Act, in all cases where
35 members of the constabulary force shall be required to keep the peace in the neighbourhood of railway works or other public works in Ireland, the costs and expenses of such members, calculated according to the rates in the preceding section mentioned, shall be charged upon the company or other parties carrying on such railway
40 or other public works; and all sums so charged shall be payable to the Inspector-General, who shall pay over the same to Her Majesty's Exchequer in like manner as any other money payable thereto

Rate of 1874
charge upon
public com-
panies for
constabulary
protection.

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Canteen.

7. When any head or other constable shall hold any canteen under proper authority of the Inspector-general, it shall be lawful for any two justices within their respective jurisdictions to grant a certificate authorising the grant or transfer of any beer, wine, or spirit license to such persons without regard to time of year or to the notices required by any Act in respect of such licenses, and the Commissioners of Inland Revenue, or their proper officers within their respective districts, shall, upon production of such certificates, grant licenses as aforesaid; and any such constable so holding a canteen and having such license may sell therein victuals and intoxicating liquors as empowered by such license, without being subject to any penalty or forfeiture; and so much of any Act as provides that any head or other constable who shall sell any beer, wine, or spirituous liquors shall be subject to any disqualification, loss of salary, or any other penalty, shall not apply to any such constable as aforesaid.

Court of inquiry.

8. Before commencing proceedings in any court of inquiry the members of such court shall take the oath following:

"You shall well and truly try and determine according to the evidence in the matters now before you, without fear, partiality, favour, or affection. So help you GOD."

This oath shall be administered to the president by a member of such court of inquiry, and by the president after he shall have taken such oath to each member of such court.

Provided always, that nothing in this Act contained shall be construed to render an oath necessary in any case when by law a solemn affirmation may be made instead thereof.

Two shillings per week to men in Belfast and Londonderry.

9. It shall be lawful for the Lord Lieutenant (if he shall so think fit) to order and direct that *two shillings* per week shall be paid by way of special allowance to head and other constables whilst serving in the town of Belfast and in the borough of Londonderry, with a view to meet the extra expense to which the men serving therein respectively are subject as compared with the remainder of the constabulary force; and the said additional sums shall be paid in like manner and out of the like funds as the pay of such head and other constables.

As to unclaimed money and goods found or stolen.

10. When any money or goods shall be found and shall be delivered over to any constable, or when any goods or money charged to be stolen or unlawfully obtained, and of which the owner shall be unknown, shall be in the hands of any constable, it shall be lawful for the Inspector-General, after the expiration of

twelve calendar months during which no owner shall have appeared to claim the same, to sell or dispose of such goods or money, and pay over such money or proceeds to Her Majesty's exchequer in like manner as any other money payable thereto.

- 5 11. Whereas the office of receiver of constabulary and that of inspector-general are now held by the same person: Be it enacted, that the inspector-general may himself, without further assistance, make out the certificates respectively prescribed by the thirty-seventh section of the Act of the session of the sixth and seventh years of the
10 reign of His late Majesty William the Fourth, chapter thirteen, and section eight of the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter seventy-two, and section six of the Act of the twenty-eighth and twenty-ninth years of the reign of Her present Majesty, chapter seventy, and section
15 five of the Act of the thirty-third and thirty-fourth years of the reign of Her present Majesty, chapter eighty-three, and every certificate so made shall be valid and effectual for the purposes of the said Acts respectively, and it shall not be necessary for the Inspector-General in his capacity of receiver in any case to submit
20 any account to the special road sessions of any county: Provided always, that such certificate shall be accompanied by a statement, verified by the county inspector, as to the correctness of the number of extra force charged for in such certificate.

As to
receiver of
constabulary.

12. The disabilities imposed by the eighteenth section of the
25 Act passed in the session of Parliament held in the sixth and seventh years of the reign of His late Majesty William the Fourth, chapter thirteen, shall not (except as to being elected or sitting as a member of the House of Commons) be taken or held to be applicable to any clerk in the office of the Inspector General.

Amend-
ment of
6 & 7 W. 4.
c. 18, s. 18,
as to dis-
abilities
of members
of constab-
ulary force.
Amendment
of 28 & 29
Vict. c. 19,
25 & 26 Vict.
c. 76, as to
expenses.

30 13. Expenses incurred by any member of the constabulary force or of the Dublin metropolitan police acting as ex-officio inspector of weights and measures for conveyance or escort of weights and measures, and allowances payable to him or to any other member of either of the said forces assisting in the performance of the duties
35 of such inspector, shall be payable to such members respectively by county treasurers, and in the county of Dublin by the finance committee, on presentation of accounts of such expenses and allowances, to be furnished quarterly, verified by the declarations of such inspectors and the certificates of the county inspector of the county,
40 or in Dublin of one of the commissioners of police, as to the correctness of any charges for extra pay claimed therein; and all

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such expenses so paid shall be presented, without any previous application at presentment sessions, at the assizes or presenting term next after the payment of the same.

Estimate of
charge to be
presented to
Parliament.

14. *The Lords Commissioners of Her Majesty's Treasury shall cause to be submitted to Parliament annually an estimate of the sum which will from time to time be required to defray the expenditure which under this Act will be chargeable on moneys to be provided by Parliament.*

Increase of
salary to
divisional
justices when
number re-
duced to
four.

15. Whenever the number of justices of the police district of Dublin Metropolis shall not exceed four, it shall be lawful for the Lord Lieutenant, with the approval of the Commissioners of Her Majesty's Treasury, to increase the salary of any of the said justices, or the salaries of any two or more of the said justices, to such sum or sums as he shall think fit; provided that the total amount of all the salaries of such justices shall not exceed the gross amount now authorised by law to be paid by way of salaries to all the justices of the said district collectively.

Divisional
justices
qualified to
hold certain
offices.

16. Whereas under the provisions of certain Acts it is enacted that any person appointed to any of the offices in the said Acts respectively mentioned shall be a practising barrister-at-law, who shall not at the time of his appointment have retired from practice:

And whereas it is expedient to amend the said provisions, and to authorise the appointment of justices of the police district of Dublin Metropolis to any of such offices:

Be it therefore enacted, that a barrister-at-law shall not be deemed to have retired from practice within the meaning of the said provisions by reason of his having been appointed and having acted as a justice of the police district of Dublin Metropolis.

Repeal of
enactments.

17. From and after the passing of this Act the enactments specified in the first column of the schedule to this Act annexed shall, to the extent specified in the second column of the said schedule, be and the same are hereby repealed.

Provided that such repeal shall not affect—

(1.) Anything duly done or suffered under any enactment hereby repealed; or,

(2.) Any right or privilege acquired or any liability incurred under any enactment hereby repealed.

Short title.

18. This Act may be cited for all purposes as "The Constabulary and Police (Ireland) Act, 1874."

SCHEDULE

Section and Number of Act.	Extent of Exemption.
2 & 3 Vict. c. 75. -	Section fifteen from "and provided further" to the end of that section.
5 11 & 12 Vict. c. 72. -	Section six from "and shall be absent" to "more than five days," both inclusive.
6 & 7 W. 4. c. 13. -	Sections fifty-one, fifty-two, fifty-three, and fifty-four.
2 & 3 Vict. c. 74. -	Section nineteen.
10 14 & 15 Vict. c. 85. -	Section three.

Royal Irish Constabulary and Dublin Metropolitan Police.

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BILL

To amend the Laws relating to the
Royal Irish Constabulary and the
Police of the Police District of Dublin
Metropolis.

*(Passed and brought in by
Sir Michael Hicks Beach and
Mr. Attorney-General for Ireland.)*

*Ordered, by The House of Commons, to be Printed,
6 July 1874.*

[Bill 196.]
Under 2 oz.